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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,141	04/20/2001	Raymond E. Suorsa	033048-050	9524
21839	7590	02/08/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			SORRELL, ERON J	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,141

Applicant(s)

SUORSA ET AL

Examiner

Eron J. Sorrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,10-13 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,8,10-13 and 19 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 19-25 in the reply filed on 10/27/05 is acknowledged. The traversal is on the ground(s) that the Examiner has not demonstrated the subject matter is so materially different from the original claims that it should be examined in a separate application. This is not found persuasive because the originally filed claims have no limitations requiring storing a *model of software components* and making *comparisons against the model* for determining whether or not to load a software component to a network device, instead the originally filed claims comprise limitations requiring *storing of parameters* (defined in the instant specification as comprising configuration data, settings, and address at paragraph 14 of page 6) and making *comparisons against the parameters* to determine if a command should be executed (emphasis added).

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 19-25 drawn to an invention nonelected with traverse in applicant's remarks filed 10/27/05. A complete reply to the final rejection must include

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cancellation of nonelected claims or other appropriate action
(37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,4,5,8,10, and 11, are rejected under 35

U.S.C. 102(e) as being anticipated by Bahlmann (U.S. Patent No. 6,546,392) .

5. Referring to claim 1, Bahlmann teaches a method for automated provisioning of computer networks comprising a plurality of customer accounts, wherein the customer accounts relate to specific customer hardware devices contained on the network, and specific customer software applications deployed by way of the computer network, comprising the steps of:

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receiving at least one command to be executed on a network device related to a specific customer account (see lines 34-63 of column 10);

reading parameters from a network database related to said customer account (see lines 34-63 of column 10, wherein Bahlmann teaches checking a "user level," and lines 43-58 of column 7, wherein Bahlmann teaches the user level is stored in a user record database);

determining whether the at least one command can be properly executed based upon the parameters read (see lines 34-63 of column 10); and

executing the at least one command, by a network agent of the network device only if it is determined that the at least one command can be properly executed (see lines 34-63 of column 10 see paragraph bridging columns 10 and 11; note the network device has means for sending, receiving and executing commands).

6. Referring to claims 4 and 5, Bahlmann teaches the agent provides information needed to execute the command for comparison with parameters read from the network database and determination that a command can be properly executed is only made if the information needed to execute the command matches

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the parameters read from the network database (see lines 34-63 of column 10 and lines 43-58 of column 7).

7. Referring to claim 8, Bahlmann teaches the step of determining is based upon reading software configuration requirements (see lines 34-63 of column 10; note the IP address is verified during the determining step).

8. Referring to claim 10, Bahlmann teaches the software configuration requirements indicate that the at least one command is a customer specific command (see lines 5-28 of column 6; note that once a user has logged on, all of the commands processed subsequent to the login are customer specific).

9. Referring to claim 11, Bahlmann the step of determining comprises determining whether the customer to which the software configuration requirement is specific is the same customer to which the network device is related (see lines 29-41 of column 6; note a comparison is made on the MAC address of the device).

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Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahlmann in view of Gonda et al. (U.S. Patent No. 6,662,221 hereinafter "Gonda").

12. Referring to claims 6 and 7, Bahlmann fails to teach receiving a message that at least one command is to be executed from a secure provisioning network, verifying the validity of the message by requesting verification from the secure provisioning network, wherein the separate verifying is accomplished by way of a communication gateway of the provisioning network.

Gonda teaches, in an analogous method, the above limitations (see lines 22-47 of column 4).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention to modify the method

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of Bahlmann with the above teachings of Gonda. One of ordinary skill in the art would have been motivated to make such modification in order to provide extra security the data being transmitted as suggested by Gonda (see lines 44-47 of column 4).

13. Claims 12,13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahlmann in view of Hayko et al. (U.S. Pub No. 2002/0095522 hereinafter "Hayko").

14. Referring to claim 12, Bahlmann fails to teach the step of executing comprises installing one or more software packages.

Hayko teaches in an analogous system the above limitation (see paragraphs 32 and 33 on page 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Bahlmann with the above teachings of Hayko. One of ordinary skill in the art would have been motivated to make such modification in order to facilitate the upgrade of applications on the network device as suggested by Hayko (see paragraphs 32 and 33).

15. Referring to claim 13, Hayko teaches the step of determining comprises determining whether the one or more

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software packages relates to a specific customer (see paragraph 31; note the client selects which application is installed, thus the application selected is related to the specific customer making the selection).

16. Referring to claim 16, Bahlmann teaches that commands are only executed if it is determined that the network device upon which the command is to be executed is associated with the customer to which the command relates (see Bahlmann, lines 29-41 of column 6). Hayko adds the teaching of the step of executing the command comprises installing an application (see Hayko, paragraph 32 and 33 of page 3).

Allowable Subject Matter

17. Claims 17 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

18. Applicant's arguments filed 10/27/05, with respect to claims 1 and 4 have been fully considered but they are not persuasive. The applicant argues:

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1) the execution of the command is not carried out by a network agent on the user premise equipment, rather the command is executed by a tool located within gateway 100 (i.e. Bahlmann does not teach an agent of a network device) (see last paragraph of page 10); and

2) Bahlmann fails to teach the agent provides information needed to execute the command for comparison with parameters read from the network database (see first full paragraph of page 11).

19. As per argument 1, the Examiner disagrees. At lines 4-6 of column 11, Bahlmann teaches *the modified parameters are sent to the user premise equipment for implementation* (emphasis added). This citation shows the command is carried out at the user premise equipment.

20. As per argument 2, the Examiner disagrees. At lines 33-63 of column 10, Bahlmann teaches the user interface program obtains the current filter parameters from the user premise equipment, therefore the user premise equipment provides information for comparison.

21. Applicant's arguments, see first and second paragraphs of page 12, filed 10/27/05, with respect to claims 17 and 18 have been fully considered and are persuasive. The rejections of claims 17 and 18 have been withdrawn.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS
February 2, 2006



KIM HUYNH
SUPERVISORY PATENT EXAMINER

2/2/06